

REMARKS

This paper is being filed in response to the Notice of Missing Requirements Under 35 U.S.C. §371 dated April 1, 2002 (hereinafter "Notice"). Applicants request a four-month extension of time and enclose the fee required under 37 C.F.R. §1.17(a)(4). Applicants enclose herewith a corrected English translation of pages 28 and 29 and a Combined Declaration and Power of Attorney.

The Notice indicates that Applicants must provide an English translation having the same number of claims as the International Application; an oath or declaration; and a sequence listing in paper and computer readable form.

The International Application appears to have 9 claims while the English translation provided appears to have 8 claims. Applicants have enclosed herewith substitute pages 28 and 29 of the English translation having 9 claims. Applicant's Preliminary Amendment filed with the application papers on January 10, 2002 cancelled original claims 1-8 and added new claims numbered 9-24. The presence of a 9th claim in the substitute pages 28 and 29 results two claims numbered "9". Applicants have cancelled the "original" claim 9 recited on substitute page 29 and requested that the claims added by Applicant's January 10, 2002 Preliminary Amendment be renumbered 10-25 accordingly. Renumbered claims appear in the preceding "IN THE CLAIMS" section. Attached hereto is a marked-up version of the changes made by the instant amendment captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE" and is included pursuant to 37 C.F.R. §1.121(c)(ii).

Applicants filed a Sequence Listing in paper and computer readable form at the time the application was filed in the United States Patent and Trademark Office. The Notice did not identify any defects in these submissions. In a telephone call on July 8, 2002 to Guy F.

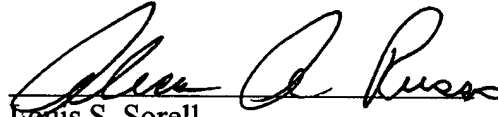
Birkenmeier, a Scientific Advisor to Applicant's Attorneys, Examiner Shakeel Ahmed stated that there were no defects in the Sequence Listing previously filed and, therefore, no Sequence Listing was required with this Response.

Applicants enclose the fee required for a four-month extension of time under 37 C.F.R. §1.17(a)(4) and providing a translation of the application later than 30 months from the priority date under 37 C.F.R. §1.492(f). Applicants do not believe any additional fee is required for this filing. However, any fees required for this submission not otherwise enclosed herewith may be charged to Deposit Account No. 02-4377. Two copies of this page are enclosed.

A copy of the Notice is enclosed herewith.

Respectfully submitted,

September 17, 2002


Louis S. Sorell
PTO Reg. No. 32,439

Alicia A. Russo
PTO Reg. No. 46,192

Attorneys for Applicants
BAKER BOTTS, L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2626

Enclosures

VERSION WITH MARKINGS TO SHOW CHANGES MADE

This marked-up version was prepared with DeltaView software (v2.5.163). In this section, added text is marked with double underlining. *e.g.* added text, and deleted text is marked by a single strikethrough, *e.g.* ~~deleted text~~.

IN THE CLAIMS

Claims 9-24 presented in Applicant's Preliminary Amendment have been renumbered as follows:

10. ~~9.~~ (AMENDED) A nucleic acid molecule having the sequence of from about nucleotide -1796 to about +104 of a human cyclooxygenase 2 gene operatively linked to a reporter gene.

11. ~~10.~~ (AMENDED) The nucleic acid molecule of claim ~~9~~, 10, wherein the sequence is set forth by SEQ ID. NO:5.

12. ~~11.~~ (AMENDED) The nucleic acid molecule of claim ~~9~~, 10, wherein the reporter gene is selected from the group consisting of a luciferase gene, a chloramphenicol acetyltransferase gene, and a - galactosidase gene.

13. ~~12.~~ (AMENDED) The nucleic acid molecule of claim ~~9~~, 10, wherein the nucleic acid molecule is contained in a vector.

14. ~~13.~~—(AMENDED) A nucleic acid molecule comprising about 1.9 kb of a human cyclooxygenase 2 promoter operatively linked to a reporter gene.

15. ~~14.~~—The nucleic acid molecule of claim ~~13~~,14, wherein the promoter has the sequence set forth by SEQ ID. NO:5.

16. ~~15.~~—(AMENDED) The nucleic acid molecule of claim ~~13~~,14, wherein the reporter gene is selected from the group consisting of a luciferase gene, a chloramphenicol acetyltransferase gene, and a - galactosidase gene.

17. ~~16.~~—(AMENDED) The nucleic acid molecule of claim ~~13~~,14, wherein the nucleic acid molecule is contained in a vector.

18. ~~17.~~—(AMENDED) A cell comprising a nucleic acid molecule having the sequence of from about nucleotide -1796 to about +104 of a human cyclooxygenase 2 gene operatively linked to a reporter gene.

19. ~~18.~~—(AMENDED) The cell of claim ~~17~~,18, wherein the cell is a human cell.

20. ~~19.~~—(AMENDED) The cell of claim ~~18~~,19, wherein the cell is a Jurkat cell.

21. ~~20.~~—(AMENDED) The cell of claim ~~17~~,18, wherein the expression of the reporter gene is controlled by the sequence of the human cyclooxygenase 2 gene.

22. ~~21.~~—(AMENDED) The cell of claim ~~20~~, 21, wherein the cell is capable of expressing the reporter gene.

23. ~~22.~~—(AMENDED) A cell line having the access number ECACC 9903245.

24. ~~23.~~—(AMENDED) An *Escherichia coli* DH5 cell line having the access number CECT 5145.

25. ~~24.~~—(AMENDED) A method comprising:
contacting a cell comprising a nucleic acid molecule
comprising about 1.9 kb of a human cyclooxygenase
2 promoter operatively linked to a reporter gene
with a test agent; and
measuring the reporter gene activity
wherein a reduction in reporter gene activity
indicates that the test agent may be a transcriptional
inhibitor of the human cyclooxygenase 2 gene.